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Plaintiffs' Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DIANA ALEXANDER-JONES, et al.,

Plaintiff,

vs.

WAL-MART STORES, INC., et al.,

Defendants.

Case No.: 3:10-cv-03005 SBA

Case No.: 3:01-cv-02252-VRW

**ADMINISTRATIVE MOTION BY
PLAINTIFF TO CONSIDER WHETHER
CASES SHOULD BE RELATED;
DECLARATION OF TODD M. SCHNEIDER**

BETTY DUKES, et al,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendants.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THE ABOVE-CAPTIONED
2 CASE AND THE CASES LISTED BELOW:

3 Pursuant to Civil L.R. 3-12 and 7-11, Plaintiff hereby moves the Court for an Order relating
4 *Alexander-Jones, et al. v. Wal-Mart Stores, Inc.*, No. CV 10-03005-SBA (hereinafter simply
5 “*Alexander-Jones*”) to *Dukes, et al. v. Wal-Mart Stores, Inc.*, No. C 0102252-VRW (hereinafter
6 simply “*Dukes*”).

7 **APPLICABLE RULE**

8 Civil Local Rule 3-12 provides, in pertinent part: “An action is related to another when: (1) The
9 actions concern substantially the same parties, property, transaction or event; and (2) It appears likely
10 that there will be a unduly burdensome duplication of labor and expense or conflicting results if the
11 cases are conducted before different Judges.”

12 **THE RELATIONSHIP BETWEEN ALEXANDER-JONES AND DUKES**

13 These two cases concern substantially the same parties, property, transaction, and/or events. In
14 both cases, Plaintiff seeks to certify a class on behalf of Wal-Mart employees against Defendant Wal-
15 Mart Stores, Inc. (“Wal-Mart”) concerning Wal-Mart’s underpayment of female hourly employees of
16 Wal-Mart. Both allege Wal-Mart willfully and intentionally underpaid the wages of a large segment
17 of its hourly employee population based on their gender. In light of these common issues, assignment
18 of these cases to a single judge is likely to promote judicial economy by avoiding an unduly
19 burdensome duplication of labor and expense or conflicting results that might ensue if the cases were
20 conducted before different Judges.

21 **NEED FOR ADMINISTRATIVE MOTION**

22 As explained in the attached declaration of Todd M. Schneider, and as required by Civil Local
23 Rule 7-11(a), counsel for Plaintiffs in *Alexander-Jones* have failed to secure the stipulation referenced
24 in Civil Local Rule 7-11(a).

25 **CONCLUSION**

26 The parties, transactions and events in *Alexander-Jones* and *Dukes* are substantially the same,
27 and there is a substantial risk of unduly burdensome litigation, and, more important, of conflicting
28 results, if *Alexander-Jones* is not related to *Dukes*. Plaintiff therefore respectfully submits that

1 *Alexander-Jones* can and should be related to *Dukes* pursuant to Civil Local Rule 3-12. Plaintiff
2 respectfully asks for such assignment here.

3 Dated: July 16, 2010

BERGER & MONTAGUE, P.C.

ANN MILLER, LLC

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KONECKY LLP

9 /s/

Todd M. Schneider
Attorneys for Plaintiffs

DECLARATION OF TODD M. SCHNEIDER

I, TODD M. SCHNEIDER, declare and state:

I was unable to obtain a Stipulation because the other side has yet to appear.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 16, 2010

/s/
Todd M. Schneider
Counsel for Plaintiffs